

# Procedures for Indiana Small Estates

## 1. Indiana Law

Under Indiana Law, Code Section 29-1-8-1 (Exhibit A), where the value of the decedent's gross probate estate does not exceed \$50,000, CenterPoint Energy, holding funds due decedent must deliver that property (credit balance) when a qualified person ("claimant") presents a proper Indiana Small Estate Affidavit ("Affidavit") (Exhibit B).

## 2. Contents of Affidavit

The claimant must make the Affidavit stating the following under oath:

- a. That the value of the decedent's gross probate estate, wherever located (less liens and encumbrances), does not exceed \$50,000;
- b. That 45 days have passed since the death of the decedent;
- c. That no application or petition for the appointment of a personal representative is pending, or has been granted, in any Court;
- d. List names and addresses of all persons that are entitled to a share of the decedent's property;
- e. That the claimant has notified each person identified in the Affidavit of the claimant's intention to present an affidavit to CenterPoint Energy under Ind. Code Section 29-1-8-1; and
- f. That the claimant is entitled to payment or delivery of the CenterPoint Energy credit balance on behalf of the persons identified in the Affidavit.

## 3. Acquittance and Release

Payment of a decedent's CenterPoint Energy credit balance pursuant to the claimant's Affidavit discharges and releases CenterPoint Energy to the same extent as if the claimant were the personal representative of the decedent's probate estate. CenterPoint Energy is not required to inquire into the truth of any statement in the Affidavit. For delivery, transfer, or release of payments, see Ind. Code Section 29-1-8-2 (Exhibit C).

## **Indiana Code § 29-1-8-1**

### **Sec. 1.**

(a) Forty-five (45) days after the death of a decedent and upon being presented an affidavit that complies with subsection (b), a person:

(1) indebted to the decedent; or

(2) having possession of personal property or an instrument evidencing a debt, an obligation, a stock, or a chose in action belonging to the decedent;

shall make payment of the indebtedness or deliver the personal property or the instrument evidencing a debt, an obligation, a stock, or a chose in action to a distributee claiming to be entitled to payment or delivery of property of the decedent as alleged in the affidavit.

(b) The affidavit required by subsection (a) must be an affidavit made by or on behalf of the distributee and must state the following:

(1) That the value of the gross probate estate, wherever located (less liens and encumbrances), does not exceed fifty thousand dollars (\$50,000).

(2) That forty-five (45) days have elapsed since the death of the decedent.

(3) That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.

(4) The name and address of each distributee that is entitled to a share of the property and the part of the property to which each distributee is entitled.

(5) That the affiant has notified each distributee identified in the affidavit of the affiant's intention to present an affidavit under this section.

(6) That the affiant is entitled to payment or delivery of the property on behalf of each distributee identified in the affidavit.

(c) If a motor vehicle or watercraft (as defined in IC 9-13-2-198.5) is part of the estate, nothing in this section shall prohibit a transfer of the certificate of title to the motor vehicle if five (5) days have elapsed since the death of the decedent and no appointment of a personal representative is contemplated. A transfer under this subsection shall be made by the bureau of motor vehicles upon receipt of an affidavit containing a statement of the conditions required by subsection (b)(1) and (b)(6). The affidavit must be duly executed by the distributees of the estate.

(d) A transfer agent of a security shall change the registered ownership on the books of a corporation from the decedent to a distributee upon the presentation of an affidavit as provided in subsection (a).

(e) For the purposes of subsection (a), an insurance company that, by reason of the death of the decedent, becomes obligated to pay a death benefit to the estate of the decedent is considered a person indebted to the decedent.

(f) For purposes of subsection (a), property in a safe deposit box rented by a decedent from a financial institution organized or reorganized under the law of any state (as defined in IC 28-2-17-19) or the United States is considered personal property belonging to the decedent in the possession of the financial institution.

(g) For purposes of subsection (a), a distributee has the same rights as a personal representative under IC 32-39 to access a digital asset (as defined in IC 32-39-1-10) of the decedent.

STATE OF INDIANA )  
 )  
COUNTY OF VANDERBURGH )

**SMALL ESTATE AFFIDAVIT**  
**FOR TRANSFER OF DECEDENT'S CENTERPOINT ENERGY**  
**CREDIT BALANCE**

\_\_\_\_\_, being duly sworn upon her/his oath, and competent to testify as to the following facts, states as follows:

1. \_\_\_\_\_ ("Decedent") died on \_\_\_\_\_, \_\_\_\_\_, while domiciled in \_\_\_\_\_ County, Indiana.
2. More than forty-five (45) days have passed since the death of Decedent.
3. No application or petition for the appointment of a personal representative is pending in any jurisdiction. No estate administration has been opened in respect of the Decedent's affairs in any jurisdiction.
4. The value of the Decedent's gross probate estate, less liens and encumbrances, does not exceed Fifty Thousand Dollars (\$50,000.00), including anticipated costs and expenses of administration as provided by Indiana Code § 29-1-8-1.
5. The following is a description of funds on account with CenterPoint Energy belonging to the Decedent, according to my knowledge and information:

CenterPoint Energy Account # \_\_\_\_\_  
Credit Balance: \$ \_\_\_\_\_

6. As the person responsible for collecting Decedent's assets and paying Decedent's obligations, I am entitled to delivery of the CenterPoint Energy credit balance.
7. The names and addresses of all persons entitled to a share of Decedent's assets after payment of expenses are *(here list all persons entitled to any share of the Decedent's assets upon Decedent's death)*:

\_\_\_\_\_, and

Each of them has been notified of my intention to present this Affidavit to CenterPoint Energy to obtain payment of the CenterPoint Energy credit balance.

8. By reason of the above-stated facts, I request that the CenterPoint Energy credit balance be paid to me in accordance with Indiana Code §§29-1-8. CenterPoint Energy, its successors, agents, representatives, and employees shall be released, acquitted, and held harmless from any liability as to the proper application and/or distribution of the said CenterPoint Energy credit balance.

WHEREFORE, \_\_\_\_\_ hereby requests that the above-referenced CenterPoint Energy Account funds be paid to her/him in accordance with Indiana Code §§29-1-8.

FURTHER YOUR AFFIANT SAYETH NOT.

\_\_\_\_\_  
Affiant Signature

\_\_\_\_\_  
Affiant Printed Name

STATE OF INDIANA       )  
COUNTY **OF** \_\_\_\_\_)

Before me the undersigned, Notary Public in and for said County and State, personally appeared the within named \_\_\_\_\_, who being first duly sworn by me upon oath, states that the facts alleged in the foregoing instrument are true.

Signed and sealed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
( \_\_\_\_\_ ) Notary Public

My Commission Expires:

\_\_\_\_\_  
Residence of Notary is \_\_\_\_\_ County, Indiana.

**RETURN COMPLETED, NOTARIZED AFFIDAVIT TO:**

CenterPoint Energy  
Attn: Credit & Collections  
P.O. Box 209  
Evansville, IN 47702

## **Indiana Code § 29-1-8-2**

Sec. 2.

The person paying, delivering, transferring, or issuing personal property or the evidence Thereof pursuant to affidavit is discharged and released to the same extent as if he dealt with a personal representative of the decedent. He is not required to see to the application of the personal property or evidence thereof or to inquire into the truth of any statement in the affidavit. If any person to whom an affidavit is delivered refuses to pay, deliver, transfer, or issue any personal property or evidence thereof, it may be recovered or its payment, delivery, transfer, or issuance compelled upon proof of their right in a proceeding brought for the purpose by or on behalf of the persons entitled thereto. Any person to whom payment, delivery, transfer or issuance is made is answerable and accountable therefor to any personal representative of the estate or to any other person having a superior right.